

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

F.A.(MAT) No. 40 of 2023

- Smt. Varsha Deshmukh W/o Tejram Deshmukh Aged About 32 Years R/o 5 Building, Quarter No. H-2/B-38 Lane No. 6, Tahsil And District-Durg Chhattisgarh.

---- Appellant

Versus

- Tejram Deshmukh S/o Khorbahara Ram Deshmukh Aged About 38 Years R/o Shyam Nagar, Risali, Ward No. 61 Higher Secondary School, Near Risali Village, P.S. Newai, Durg District - Durg Chhattisgarh

---- Respondent

F.A.(MAT) No. 23 of 2023

- Tejram Deshmukh S/o Khorbahara Ram Deshmukh Aged About 38 Years R/o Shyamnagar, Risali, Ward No. 61, Near Higher Secondary School, Risali, Police Station Nevai Bhilai, Tehsil And District Durg, Chhattisgarh.

---- Appellant

Versus

1. Smt. Varsha Deshmukh W/o Tejram Deshmukh Aged About 32 Years R/o 05 Building, Qrt. H. 02/b-38, Street No. 06, Tehsil And District Durg, Chhattisgarh.
2. Minor Yana Deshmukh D/o Tejram Deshmukh Aged About 10 Years Through Her Mother Present Gaurdian, Respondent No. 1 Smt. Varsha Deshmukh, R/o 05 Building, Qrt. H. 02/b38, Street No. 06, Tehsil And District Durg Chhattisgarh.
3. Minor Purv Deshmukh S/o Tejram Deshmukh Aged About 6 Years Through Her Mother Present Gaurdian, Respondent No. 1 Smt. Varsha Deshmukh, R/o 05 Building, Qrt. H. 02/b38, Street No. 06, Tehsil And District Durg Chhattisgarh.

---- Respondents

(Common Order)

20.03.2023	Shri Pushkar Sinha, counsel for the Appellant. Shri G. I. Sharan, counsel appears along with Shri Hariom Rai, counsel for the

Respondent.

Learned counsel for the Appellant is directed to appear along with the children before this Court on 27th March, 2023. Learned counsel for the Respondent is also directed to appear along with his client on the said date before this Court.

Shri Sinha, learned counsel for the Appellant submits that the execution proceeding initiated in pursuance of the impugned order is fixed before the learned Family Court on 23.03.2023. Since this Court has directed the Appellant as well as the Respondent to appear along with children on 27.03.2023, till then, the learned execution Court may be directed not to proceed with the execution.

The submission made by the learned counsel for the Appellant is vehemently opposed by learned counsel for the Respondent on the ground that despite decree being granted for almost three months, the same could not be executed on one excuse or another by the Appellant, therefore, the execution may be proceeded with, in case, if son of the parties is given in custody in compliance of the decree granted by the learned Family Court to the Respondent-husband, he shall appear along with his son before this Court.

Since the propriety of the order of the learned Family Court is assailed before this Court and that the matter is posted on 27th March, 2023, it would be desirable that on 23.03.2023, the learned Family Court/executing Court shall not execute the decree, till the next date of hearing, i.e., 27.03.2023.

Post this matter on 27th March, 2023.

Sd/-

(Sanjay S. Agrawal)
Judge

Sd/-

(Sachin Singh Rajput)
Judge